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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,142	10/16/2000	Gary Crance	06975-070001	9995
26171	7590	02/20/2007		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER KIM, JUNG W	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 02/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/688,142

Applicant(s)

CRANCE, GARY

Examiner

Jung Kim

Art Unit

2132

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9, 11-31, 33-50 and 52-88.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet. *(4 Sheets)*  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Gilberto Barron*  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation Sheet

Continuation of 11: Applicant argues that the 112/1<sup>st</sup> paragraph rejections are improper because the independent claims “merely require that the perception of content is prevented at the indicator whenever the user attempts to capture the content. Contrary to Examiner’s assumption, the language ‘at the indicator’ does not require nor recite the presence of the indicator at the moment that the content is present.” (Remarks, pg. 1) This argument is not persuasive because applicant’s explanation does not clarify how the limitation overcomes the 112 rejection. The specification defines the indicator as a graphical element (specification, pg. 27, 1<sup>st</sup> paragraph); if the presence of the indicator is not required at the moment the content is present, how is the content located “at the indicator”?

With respect to applicant’s arguments that the rejection of claims 1, 23, 42, 52 and 64 do not anticipate the limitation “preventing a user from perceiving the content while the indicator is being presented,” in particular, applicant argues that “[i]n Lemay’s system, a user is never prevented from perceiving the pull-down list while the entire face of the select tag is being presented,” (pg. 2, 2<sup>nd</sup> full paragraph) examiner disagrees. The content of the pull-down list is not perceived until a user has selected the indicator. Hence, this feature clearly anticipates the limitation in question.

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With respect to applicant's arguments that the rejection of claims 1-3, 8, 9, 11-17, 21, 23-25, 30, 31, 33-35, 39, 41-44, 49, 50, 52-60, 62, 64-72, 74 and 76-88 are improper because Nguyen does not disclose the limitation wherein the user is prevented from perceiving the detailed graphical element while the thumbnail graphical element is being presented, (Remarks, pg. 3) examiner disagrees. Nguyen discloses a second region completely covering a first region. This second region is identified as an applet to control the content in the first region. Moreover, the applet limits the presentation of the content based on certain conditions. (col. 3:40-65) Hence, Nguyen discloses the limitation wherein the user is prevented from perceiving the detailed graphical element by the applet, which is the second region.

Regarding applicant's argument that the combination of Nguyen and Gelfer does not anticipate the limitation "preventing a perception of the content at the indicator whenever the user attempts to capture the document," (Remarks, pg. 4) examiner respectfully disagrees. Although Nguyen does not disclose preventing perception when the user attempts to capture the document, it is known in the art to disable a service when the user attempts to access a document without authorization. The prior rejection in the Final office action identified the teaching of Gelfer as an example of this feature, which discloses a security feature of a device wherein the device was effectively shut down when an unauthorized action occurs. Hence, in view of the teachings of Nguyen and Gelfer, the limitation "preventing a perception of the content at the indicator whenever the user attempts to capture the document" is obvious.

Finally, with respect to applicant's argument that the prior art does not suggest the limitation wherein the indicator comprises text that presents the user with instructions for operating an input device to perceive the content when a graphical interface tool is positioned over the indicator, applicant's argument is not persuasive. The Lemay prior art clearly discloses such a limitation; moreover, implied in the Lemay reference is the motivation to combine the teachings of the Lemay reference with the Nguyen reference: instructions on the applet enables the feature to be user friendly. (Lemay, pgs. 273-274, 'Labels'; pg. 275 'Buttons'; pg. 276, figure 11.3)

Applicant's remaining arguments to the claims are based on the arguments discussed above. Hence, the rejections to the claims are sustained.

### ***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jk

February 13, 2007